

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24724 OF 1998

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DATED: 09-04-2007

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Between :

1. Vadde Jangaiah and 4 others. Petitioners

And

1. State of A.P. rep. by its Secretary,
Revenue, Secretariat, Saifabad,
Hyderabad., and 2 others. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24724 OF 1998

ORDER :

The father of the petitioners by name Vadde Narayana was put in possession of the land to an extent of Ac.11-25 guntas situated in Sy.Nos.36 & 38 of Himayatsagar Village, Rajendra Nagar Mandal, R.R. District. It is claimed that the land in question is the Government land and the father of the petitioners being the successful bidder in the auction conducted by the then Tahsildar, Bagpet Taluq in 1352 Fasli was put in possession and after his death the petitioners have been continuing in possession and enjoyment of the said land for the past 60 years. It is also claimed that the petitioners are entitled for assignment of the land in question on payment of 7 ½ times of land revenue as was granted to similarly situated persons by proceedings dated 18-12-1972. However, in spite of repeated requests the respondents failed to grant the ownership certificate nor granted assignment in favour of the petitioners. Hence, this writ petition seeking a Writ of Mandamus declaring the alleged inaction on the part of the respondents as arbitrary and illegal.

It is also alleged that while the request of the petitioners for grant of assignment is pending, the respondents are attempting to dispossess them forcibly.

In the circumstances, this Court by order dated 7-9-1998 directed Status Quo obtaining as on that date shall be maintained.

I have heard the learned Counsel for both the parties.

Though no counter-affidavit is filed, the learned Government Pleader, under instructions, submitted that the land in Sy.No.38 to an

extent of Ac.5-02 guntas is required for public purpose.

The fact that the father of the petitioners was put in possession and enjoyment of the land in question in 1356 Fasli and since then the petitioners have been continuing in possession by paying land revenue to the Government is not in dispute, as could be seen from the proceedings of the Collector, Hyderabad, dated 23-5-1978.

Having regard to the uninterrupted possession of the petitioners for the past about 60 years whose request for grant of assignment is also under consideration, it would be appropriate to protect their possession till appropriate orders are passed on their representation for assignment.

Accordingly, the writ petition is disposed of with a direction to the 2nd respondent – District Collector, R.R. District to consider the request of the petitioners for assignment and pass appropriate orders in accordance with law and communicate the same to the petitioners as expeditiously as possible preferably within a period of 8 weeks from the date of receipt of this order. Till such time, Status Quo as ordered by this Court on 7-9-1998 shall continue.

Writ Petition is accordingly disposed of. No costs.

G. ROHINI, J.

Dt. 09-04-2007
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